

**ABERDEEN, MISSISSIPPI
ZONING ORDINANCE**

Adopted by the
Mayor and Board of Aldermen
August 14, 1979

ORDINANCE NO. 1-72

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ABERDEEN, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH:

WHEREAS the Statutes of the State of Mississippi, Sections 3590 - 3597, of the Mississippi Code of 1942, as amended, empower the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS the Mayor and Board of Aldermen deem it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the city to enact such an ordinance, and

WHEREAS the Mayor and Board of Aldermen have divided the city into districts and have prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, and

WHEREAS the Mayor and Board of Aldermen have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings in accordance with the requirements of Sections 3374-71, and 3374-72 of the Mississippi Code of 1942, as amended:

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ABERDEEN, MISSISSIPPI:

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SECTION 101. ZONING DISTRICTS AND MAP

101.01 Districts: In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, the City of Aberdeen, Mississippi, is divided into nine zoning districts. The use and area regulations are uniform in each district and said districts shall be known as:

- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Single- and Two-Family Residential District
- R-3 Multi-Family Residential District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- C-3 General Commercial District
- C-4 Neighborhood Convenience District
- I-1 Industrial District

101.02 Map: The boundaries of these districts are hereby established as shown on the Official Zoning Map of the City of Aberdeen, Mississippi. Said zoning map and all notations and references and other matters shown thereon shall be and are hereby made a part of this ordinance. Said zoning map shall be on file in the zoning administrator's office.

101.03 District Boundaries: Except where referenced and noted on the zoning map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines; lot lines; or center lines of streets, alleys, streams, or railroads as they existed at the time of the passage of this ordinance; or the extension of such lines.

101.04 District Boundaries, Interpretations: The zoning administrator shall interpret the boundary lines which are on the zoning map. When the zoning administrator's interpretation is disputed, the boundary lines shall be determined by the planning and zoning commission.

101.05 Annexation: Any territory hereafter annexed to the City of Aberdeen shall be in the A-1 District unless the Mayor and Board of Aldermen rezone it to another district at the time of annexation.

SECTION 102. GENERAL PROVISIONS

102.01 Required Conformance: Except as hereinafter specifically provided:

- A. No land shall be used except for a purpose permitted in the District in which it is located;
- B. No building shall be erected, converted, enlarged, reconstructed, moved, structurally altered, or used for a use not permitted in the district in which such building is located;
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located;
- D. No building shall be erected, converted, enlarged, reconstructed, moved, structurally altered, or used except in conformity with the area regulations of the district in which such building is located;
- E. No building shall be erected, enlarged, moved, or structurally altered except in conformity with the off-street parking and loading regulations of this ordinance;
- F. The minimum yards, frontage, parking spaces, and open spaces, including lot area per family, required by this ordinance for each building existing at the time of the passage of this ordinance or for any building hereafter erected or structurally altered shall not be encroached upon or be considered as part of the yards, frontage, parking spaces, or open spaces required for any other buildings;
- G. No building shall be constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit; and no building permit shall be issued unless within strict conformance with the provisions of this ordinance.

102.02 Nonconforming Uses: Any lawful use existing at the time of the effective date of this ordinance except as hereinafter specified may be continued although such use does not conform to the provisions of this ordinance.

102.02-1 The planning and zoning commission may permit substitution of a new nonconforming use in place of an existing nonconforming use, provided the new use will be less detrimental to the neighborhood than the existing use.

102.02-2 A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to a nonconforming use. A noncon-

forming use shall be considered abandoned whenever any one of the following conditions exists:

- A. When the use has been discontinued for a period of six (6) months, except for reasons beyond the owner's control;
- B. When the nonconforming use has been replaced by a conforming use; and
- C. When it has been changed to another permitted or conditionally permitted use by permit from the zoning administrator.

102.02-3 Except as hereinafter specifically provided, no nonconforming use, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered.

- A. Repairs and maintenance work required to keep it in sound condition may be made on a nonconforming building or structure;
- B. No nonconforming building or structure shall be moved in whole or part to any other location unless such building or structure and the yard and other open spaces to be provided conform to all of the regulations of the district in which such building or structure is to be located;
- C. The reconstruction of a nonconforming use which has been damaged by fire, explosion, or act of God to the extent that the repairs exceed sixty percent (60%) of its value is not allowed;
- D. Any residential structure which is nonconforming because it is in a commercial or industrial district may be enlarged, extended, reconstructed, or structurally altered providing it meets with the yard, setback and area requirements of the R-3 District.

102.02-4 All existing lots of record which at the time of adoption or amendment of this ordinance become nonconforming lots in regard to lot area or width and which are under single ownership and not of continuous frontage with other lots under the same ownership may be used for any permitted use in the district in which they are located. The owner of such a lot shall apply to the planning and zoning commission for a variance to the district regulations, and every effort shall be made by him to comply with the district regulations. Such variance to the district regulations shall not allow any use of the property other than permitted uses within that district. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption of amendment of this ordinance, and if all or part of the lots do not meet the requirements established

for lot area or lot width, the lands involved shall be considered an undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this ordinance, nor shall any division of any parcel be made which created a lot with width or area below the requirements stated in this ordinance.

102.03 Accessory Building: Accessory buildings shall be subject to the following requirements:

- A. No accessory building shall be erected in any required yard, other than a rear yard, and no accessory building shall be located closer than five (5) feet to any property line.

102.04 Pending Applications for Building Permits: Nothing in this ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this ordinance, the construction of which, conforming with such plans, shall have been started within six (6) months of the effective date of this ordinance and completed in a normal manner within a subsequent two (2) year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date or amendment of this ordinance are hereby revoked and void.

102.05 Street Frontage Required: Except as permitted by other provisions of this ordinance, all lots created after the adoption of this ordinance shall have frontage on a dedicated public street.

102.06 Corner Lots: Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. Only on one (1) side abutting either street shall the front setback be required; on the remaining side, a setback of one-half ($\frac{1}{2}$) the otherwise required front setback shall be provided.

102.07 Off-Street Parking: In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street parking space for parking and storage of vehicles shall be provided in accordance with the following schedule:

- A. Dwelling Units - One (1) space per family or dwelling unit;
- B. Retail Stores - One hundred percent (100%) of gross floor area;
- C. Wholesale Establishments - One (1) space per two (2) employees;

- D. Manufacturing, Processing or Industrial Establishments - One (1) space per two (2) employees;
- E. Hotels, Motels, Lodging Houses - One (1) space per guest room;
- F. Hospitals - One (1) space per three (3) beds plus one (1) space per two (2) employees;
- G. Restaurants and Other Eating Establishments - One (1) space per three (3) seats;
- H. Churches - One (1) space per six (6) seats in principal assembly hall;
- I. Business and Professional Offices - One hundred percent (100%) of gross floor area;
- J. Theaters - One (1) space per four (4) seats.

102.07-1 In case of any building, structure, or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the planning and zoning commission.

SECTION 103. A-1 AGRICULTURAL DISTRICT

103.01 PURPOSE AND INTENT: The A-1 Agricultural District is hereby created in order that certain undeveloped areas within the city continue in use primarily for agricultural purposes until such time that municipal water and sewer become available and the areas may be developed for more intensive urban uses.

103.02 PRINCIPAL PERMITTED USES:

- A. Single-Family dwellings and farm buildings and structures;
- B. All forms of agriculture and forestry;
- C. Sale of products which are raised, produced, and processed on the premises;
- D. Nurseries and greenhouses;
- E. Golf courses and country clubs;
- F. Churches and cemeteries;
- G. Other similar and/or related uses.

103.03 CONDITIONALLY PERMITTED USES: The following uses may be permitted only if expressly authorized by the Planning and Zoning Commission and subject to any limitations and restrictions deemed necessary by the commission.

- A. Mobile home parks subject to the limitations in Section 114;
- B. Airports;
- C. Mobile homes, provided such is located on a lot with a minimum frontage of (50) fifty feet and containing not less than 5000 square feet total. Provided also that off street parking and set back lines are adhered to as prescribed in Section 102 and 113.

SECTION 104. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

104.01 Purpose and Intent: The R-1 Single-family Residential District is hereby created in order that certain areas within the city be reserved exclusively for single-family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.

104.02 Principal Permitted Uses:

- A. Single-family dwellings;
- B. Churches and other places of worship provided that buildings shall be located not less than twenty-five (25) feet from any other lot in any residential district and shall maintain a front yard setback of at least forty (40) feet from the street right-of-way;
- C. Public parks, playgrounds, recreational and community center buildings and grounds of a noncommercial nature, golf courses and country clubs provided that any building so used shall be located not less than forty (40) feet from any lot in any residential district and maintain a front yard setback of at least forty (40) feet from the street right-of-way;
- D. Schools and institutions for academic instruction provided that any building used therefore shall be located not less than forty (4) feet from any lot in any residential district, and shall maintain a front yard setback of at least forty (40) feet from the street right-of-way.

104.03 Conditionally Permitted Uses: The following uses may be permitted only if expressly authorized by the planning and zoning commission and subject to any limitations and restrictions deemed necessary by the commission:

- A. Home occupations;
- B. Nursery schools and kindergartens.

104.04 Accessory Buildings and Uses: Any accessory use or structure customary and incidental to the principal use is permitted.

104.05 Off-street Parking: Off-street parking shall be as prescribed in Section 102.

104.06 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 105. R-2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

105.01 PURPOSE AND INTENT: The R-2 Single and Two-Family Residential District is hereby created in order that certain areas within the City be reserved for single and two-family residential uses or that older, existing structures be converted to two-family uses.

105.02 PRINCIPAL PERMITTED USES:

- A. Any use or structure permitted in the R-1 District;
- B. Two-family dwellings.

105.03 CONDITIONALLY PERMITTED USES: The following uses may be permitted only if expressly authorized by the Planning and Zoning Commission and subject to any limitation and restrictions deemed necessary by the commission.

- A. Any conditionally permitted use allowed in the R-1 District;
- B. Mobile homes, provided such is located on a lot with a minimum frontage of (50) fifty feet and containing not less than 5000 square feet total. Provided also that off street parking and set back lines are adhered to as prescribed in Sections 102 and 113.

105.04 ACCESSORY BUILDINGS AND USES: Any accessory use or structure customary and incidental to the principal use is permitted.

105.05 OFF-STREET PARKING: Off-street parking shall be as provided in Section 102.

105.05 AREA, YARD, AND HEIGHT REQUIREMENTS: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 106 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

106.01 PURPOSE AND INTENT: The R-3 Multi-Family Residential District is hereby created in order that certain areas within the City be developed for multi-family residential purposes, and that older, existing structures be converted to multi-family residential uses.

106.02 PRINCIPAL PERMITTED USES:

- A. Any use or structure permitted in the R-2 District;
- B. Multi-family dwellings;
- C. Rooming houses and group dwellings;
- D. Home occupations.
- E. Mobile Homes, provided such is located on a lot with a minimum frontage of (50) fifty feet and containing not less than 5000 square feet total. Provided also that off-street parking and set back lines are adhered to as prescribed in Section 102 and 113.

106-03 CONDITIONALLY PERMITTED USES: The following uses may be permitted only if expressly authorized by the Planning and Zoning Commission and are subject to any limitations and restrictions deemed necessary by the commission.

- A. Any conditionally permitted use allowed in the R-2 District;
- B. Mobile home parks as regulated in Section 114;
- C. Nursing homes, convalescent homes, private clubs or lodges and hospitals;
- D. Professional offices including offices of doctors, lawyers, engineers, architects, accountants, and similar professions which generate a minimum amount of traffic.

SECTION 107. C-1 CENTRAL COMMERCIAL DISTRICT

107.01 Purpose and Intent: The C-1 Central Commercial District is hereby created in order that there be one central area of retail and office use which shall constitute the central business district of the city. It is the intent of this ordinance that the C-1 District not be encroached upon by other commercial, industrial, or residential uses which are not compatible with the existing and future retail businesses located within the central business district.

107.02 Principal Permitted Uses:

- A. Retail businesses, medical, and professional offices;
- B. Commercial printing establishments;
- C. Public buildings and facilities;
- D. Hotels and motels;
- E. Churches;
- F. Other similar establishments, but not to include those which are first permitted in the C-2 District.

107.03 Conditionally Permitted Uses: The following uses may be permitted only if expressly authorized by the planning and zoning commission, and subject to any limitations and restrictions deemed necessary by the commission:

- A. Gasoline service stations;
- B. Automobile and implement dealers..

107.04 Accessory Buildings and Uses: Any accessory use or structures customary and incidental to the principal use is permitted.

107.05 Off-Street Parking: Off-street parking is not required in the C-1 District.

107.06 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 108. C-2 HIGHWAY COMMERCIAL DISTRICT

108.01 Purpose and Intent: The C-2 Highway Commercial District is hereby created in order that there be designated areas along major highways and arterial streets used for commercial activities oriented toward use of the automobile or other forms of transportation. It is the intent of this ordinance that certain areas along such major transportation routes be reserved for those uses which normally require larger sites and direct access to major thoroughfares.

108.02 Principal Permitted Uses:

- A. Any use or structure permitted in the C-1 District;
- B. Truck lines and other shipping facilities;
- C. Drive-in theaters and restaurants;
- D. Motels, tourist cabins, and tourist courts;
- E. Funeral homes and mortuaries;
- F. Other similar commercial and service establishments.

108.03 Conditionally Permitted Uses: The following uses may be permitted only if expressly authorized by the planning and zoning commission and subject to any limitations and restrictions deemed necessary by the commission:

- A. Shopping centers as regulated in Section 114;
- B. Mobile home parks as regulated in Section 114.

108.04 Accessory Buildings and Uses: Any accessory use or structure customary and incidental to the principal use is permitted.

108.05 Off-street Parking: Off-street parking shall be as prescribed in Section 102.

108.06 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 109. C-3 GENERAL COMMERCIAL DISTRICT

109.01 Purpose and Intent: The C-3 General Commercial District is hereby created in order that there be certain areas within the city used for general sales, repair, and service establishments. It is the intent of this ordinance that such areas be devoted primarily to repair, warehousing, service, construction, and related trades.

109.02 Principal Permitted Uses:

- A. Any use or structure permitted in the C-2 District;
- B. Any other commercial, office, or service establishment.

109.03 Accessory Buildings and Uses: Any accessory use or structure customary and incidental to the principal use is permitted.

109.04 Off-Street Parking: Off-street parking shall be as prescribed in Section 102.

109.05 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 110. C-4 NEIGHBORHOOD CONVENIENCE DISTRICT

110.01 Purpose and Intent: The C-4 Neighborhood Convenience District is hereby created in order that small, limited areas within certain neighborhoods may be used for commercial uses which serve only the surrounding area and do not generate excessive traffic. It is the intent of this ordinance that these convenience centers be strictly limited to commercial uses which serve the day-to-day household needs of the surrounding area.

110.02 Principal Permitted Uses:

- A. Grocery stores of limited size such as "quick stop" or the "one-stop" variety, and not including supermarkets;
- B. Drug stores, barber shops, beauty shops;
- C. Medical and dental clinics;
- D. Self-service laundries and laundry pick-up stations;
- E. Hardware stores;
- F. Shoe repair shops;
- G. Bakeries;
- H. Branch banks;
- I. Only the above mentioned uses may be allowed as principal permitted uses; others not specifically mentioned may be allowed as conditional uses.

110.03 Conditionally Permitted Uses: The following uses may be permitted only if expressly authorized by the planning and zoning commission and subject to any limitations and restrictions deemed necessary by the commission:

- A. Other uses which the planning and zoning commission determine will serve only the surrounding neighborhood and will not be detrimental to any adjacent properties.

110.04 Accessory Buildings and Uses: Any accessory use or structure customary and incidental to the principal use is permitted.

110.05 Off-Street Parking: Off-street parking shall be as prescribed in Section 102.

110.06 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

110.07 Screening and Fencing: A fence, wall, or other enclosure of at least eight (8) feet in height is required along the rear and side property lines for any property zoned C-4 which abuts any residential district.

SECTION 111. I-1 INDUSTRIAL DISTRICT

111.01 Purpose and Intent: The I-1 Industrial District is hereby created in order that there be areas within the city used exclusively for industrial, manufacturing, processing, and related operations which are incompatible with the residential and commercial areas of the city. It is the intent of this ordinance that these areas be reserved exclusively for industrial and related purposes.

111.02 Principal Permitted Uses:

- A. Any industrial, manufacturing or processing establishment;
- B. Uses permitted in the C-3 District.

111.03 Accessory Building and Uses: Any accessory use or structure customary and incidental to the principal use is permitted.

111.04 Off-Street Parking: Off-street parking shall be as prescribed in Section 102.

111.05 Area, Yard, and Height Requirements: Area, yard, and height requirements shall be as prescribed in Section 113.

SECTION 112. (Reserved)

SECTION 113. SCHEDULE OF DISTRICT REGULATIONS

113.01 A-1, R-1, and R-2 Residential Districts: The following yard, height, frontage, setback, lot area, side yard, rear yard requirements shall apply:

<u>District</u>	<u>Maximum Height Limit</u>	<u>Minimum Lot Frontage at Building Setback Line</u>	<u>Minimum Lot Area</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Width</u>	<u>Minimum Rear Yard Depth</u>
A-1	3 stories	300 ft.	3 acres	50 ft.	50 ft.	50 ft.
R-1	3 stories	100 ft.	15,000 sq. ft.	35 ft.	15 ft.	30 ft.
R-2	3 stories	85 ft. For single-family dwellings; 100 ft. for two-family dwellings	8,500 sq. ft. For single-family dwellings; 12,500 sq. ft. for two-family dwellings	30 ft.	12 ft.	25 ft.
R-3	3 stories	75 ft. For single-family dwellings; 85 ft. for two-and multi-family dwellings	7,500 sq. ft. For single-family dwellings; plus 3,000 sq. ft. for each additional dwelling unit.	25 ft.	10 ft.	25 ft.

NOTE: The height limits of this ordinance shall not apply to barns, silos, or other farm structures or buildings; church spires, belfries, domes, or monuments; or cupolas, transmission towers, chimneys, smokestacks, flag poles, radio towers, aerials, water towers, monitors, grain elevators, and other structures which require excessive height in order to function properly.

SECTION 113. SCHEDULE OF DISTRICT REGULATIONS (CONT'D)

113.02 C-1, C-2, C-3, C-4, and I-1 Districts: The following setback, side yard, rear yard, and height requirements shall apply:

<u>District</u>	<u>Maximum Height Limit</u>	<u>Minimum Front Yard Setback</u>	<u>Minimum Side Yard Each Side</u>	<u>Minimum Rear Yard Depth</u>
C-1 Central Commercial	4 stories	None	None <u>1/</u>	10 <u>1/</u>
C-2 Highway Commercial	4 stories	40	20	20
C-3 General Commercial	4 stories	20	5	20
C-4 Neighborhood Convenience	1 story	35	25	25
I-1 Industrial	4 stories	50	35 <u>2/</u>	35 <u>2/</u>

1/ When abutting any residential district, a side or rear yard, or both, of fifteen (15) feet is required.

2/ When abutting any residential district, a side or rear yard, or both, of fifty (50) feet is required.

NOTE: The height limits of this ordinance shall not apply to barns, silos, or other farm structures or buildings; church spires, belfries, domes, or monuments; or cupolas, transmission towers, chimneys, smokestacks, flag poles, radio towers, aeriels, water towers, monitors, grain elevators, and other structures which require excessive height in order to function properly.

SECTION 114. SUPPLEMENTARY DISTRICT REGULATIONS

114.01 Mobile Home Parks: Mobile homes shall be allowed only in mobile home parks authorized and approved by the planning and zoning commission and shall be prohibited from occupying individual lots outside approved mobile home parks. All mobile home parks or applications for approval of mobile home parks shall comply with the following regulations:

- A. A written application for approval of the park shall be filed with the zoning administrator fifteen (15) days prior to the planning and zoning commission meeting, and shall contain the following:
 1. Name and address of the applicant;
 2. Location, description and current zoning of the property to be developed; and
 3. Engineering plans and specifications including proposed site plan showing the number, location, and size of all lots; the location and width of all roadways and walkways; topographic survey showing contours at one (1) foot intervals; the location and size of all water and sewer lines and riser pipes; the location and details of all lighting and electrical systems;
- B. The minimum size for any mobile home park shall be three (3) acres;
- C. All streets within the park shall meet the following minimum requirements:
 1. The street system shall provide convenient circulation by means of minor and collector streets, with the length of dead-end streets limited to six hundred (600) feet;
 2. Minor streets shall have a minimum pavement width of eighteen (18) feet when no parking is to be allowed and twenty-six (26) feet when parking is allowed on one side; and
 3. Collector streets shall have a minimum width of twenty-four (24) feet when no parking is allowed, and thirty-six (36) feet when parking is allowed.

- D. The size of lots may vary within the park, but shall be designed so that no mobile home is placed closer than twenty (20) feet from any property line, mobile home, or permanent building within the park;
- E. Off-street parking shall be provided at the ratio of two (2) parking spaces for each mobile home lot;
- F. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home; anchors or tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be able to sustain a minimum load of forty-eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices;
- G. The approval of a mobile home park as a conditional use shall be dependent upon the applicant constructing and maintaining the mobile home park as shown in the site plan. Any variation in the site plan must be approved by the planning and zoning commission. Failure to provide any required improvements or to develop the park according to the site plan shall constitute a violation of this ordinance.

114.02 Shopping Centers: Shopping centers shall be developed as a unit in accordance with a plan properly filed and approved by the planning and zoning commission. The plan shall provide the following information:

- A. A site plan showing the location, size and dimensions of the property to be developed;
- B. Location and size of all proposed building sites and parking areas;
- C. Means of ingress and egress with access streets where required;
- D. Location and size of all signs; and
- E. Plans and specifications for storm drainage on the site.

114.02-1 Applications for approval of shopping centers shall be filed with the zoning administrator fifteen (15) days prior to the planning

and zoning commission meeting. Approval of such application is dependent upon the applicant constructing and maintaining the shopping center as shown in the application. Any variation in the site plan must be approved by the planning and zoning commission. Failure to provide any required improvements or to develop according to the site plan shall constitute a violation of this ordinance.

114.03 Signs and Outdoor Advertising: Signs and outdoor advertising shall be classified as a commercial use and be permitted in zones established for agricultural, commercial, or industrial uses. Placing, tacking, painting, repainting, hanging, or otherwise affixing of any kind of sign, outdoor advertising, or poster of miscellaneous character on the walls of buildings, barns, sheds, trees, fences or any other structure, except as otherwise provided for in this ordinance, is prohibited.

114.03-1 Except as hereinafter provided, no sign of any character may be erected, hung, rehung, placed, replaced, or painted upon any building or structure located in a commercial or industrial district unless such sign advertises a bona fide business conducted on the premises where the sign is located. No outdoor advertising display or sign shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way line than the building setback lines provided for in the zoning district where the sign is to be located, except that one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed no closer than ten (10) feet from the street right-of-way line and shall in no case obstruct the view of traffic.

114.03-2 In any residential district, signs not exceeding four (4) square feet in area are permitted to identify professional offices.

114.03-3 All signs or outdoor advertising devices shall be constructed and maintained in strict accordance with the Southern Standard Building Code as adopted by the city.

114.03-4 Before any person or firm shall erect, place, paint, hang, or otherwise construct any sign or outdoor advertising device, he shall apply for a building permit from the zoning administrator. Such application to the zoning administrator shall specify the location, size, character, and setback from the street right-of-way for each and every sign to be so constructed.

114.04 Planned Residential Development: The Mayor and Board of Aldermen are hereby authorized to grant as a conditional use, planned residential developments of not less than twenty (20) acres. Such planned residential developments may be con-

structured only in the A-1, R-1, R-2, and R-3 Districts. Planned residential Developments shall be developed in strict accordance with a development plan filed with and approved by the planning and zoning commission. The development plan shall contain, but not be limited to, the following information:

- A. All information required by the Aberdeen subdivision regulations;
- B. A detailed land use plan showing all streets, lots, open space, school sites, church sites, and commercial areas;
- C. Copies of all deed restrictions, constitution and bylaws of homeowners association, and any other documents showing how the character of the development will be preserved and maintained; and
- D. Any other information required by the planning and zoning commission or the Mayor and Board of Aldermen.

114.04-1 Such planned unit developments shall contain as the principal land use single-family, two (2) family, and/or multi-family dwellings, and may contain such accessory uses as religious, cultural, recreational, and limited commercial uses, provided that they are of such character and extent as to serve only the residential uses within the development. The overall density of the planned unit development shall not exceed the density provided by the R-2 District.

114.04-2 The Mayor and Board of Aldermen may, upon recommendation of the planning and zoning commission, vary, modify, or relax any provisions of the district or districts in which such planned residential development is located, provided the purpose and intent of this ordinance is not violated.

SECTION 115. ENFORCEMENT AND ADMINISTRATION

115.01 Interpretation and Conflict: In interpreting and applying this ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this ordinance. When two (2) specific provisions of this ordinance conflict or a provision of this ordinance conflicts with any other code, statute, law, ordinance or regulation, the most restrictive section shall apply.

115.02 Enforcement by Zoning Administrator: There is hereby established the office of zoning administrator. It shall be the duty of the zoning administrator to enforce this ordinance in accordance with the provisions hereof. The zoning administrator shall issue all building permits. All departments, officials, and public employees of the City of Aberdeen vested with the duty or authority to issue other permits or licenses, shall conform to the provisions of this ordinance and shall not issue a permit for any use, building or purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

115.03 Filing Plans for Building Permits: Every application for a building permit shall be accompanied by a scale drawing in duplicate showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the location, size, and height of any building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

115.04 Duty of Zoning Administrator: The zoning administrator shall act upon all applications on which he is authorized to act by the provisions of this ordinance within seven (7) days after these are filed in full compliance with all the applicable requirements as specified. He shall either issue a building permit within said seven (7) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to so notify the applicant in case of such refusal within said seven (7) days shall entitle the applicant to submit his request to the

planning and zoning commission. If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

115.05 Expiration of Building Permit: If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be cancelled by the zoning administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

115.06 Required Conformance: Building permits are issued on the basis of plans and applications approved by the zoning administrator and authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance.

115.07 Planning and Zoning Commission: A planning and zoning commission is hereby established, which shall consist of nine (9) members appointed by the Mayor and Board of Aldermen. Of those first appointed to the commission, three (3) shall be appointed for three (3) years, three (3) for two (2) years, three (3) for one (1) year. The Mayor shall designate one (1) member to serve as its chairman. The planning and zoning commission shall appoint a secretary who may be an officer or employee of the city.

115.08 Rules: The planning and zoning commission shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and such other times as the commission may determine. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses. The planning and zoning commission shall keep minutes of its proceedings showing the vote of each member upon each question or his absence or failure to vote and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the zoning administrator.

115.09 Powers, Interpretation: Upon appeal from a decision by the Zoning Administrator, the Planning and Zoning Commission shall have the power to decide any question involving the interpretation of the zoning text or map, as follows:

- A. The Planning and Zoning Commission may interpret the meaning of any provision of the zoning text as it applies to a particular property. Before reaching a decision in response to any request, the Planning and Zoning Commission may obtain the opinion of the City Attorney thereon;
- B. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the zoning map, the Planning and Zoning Commission shall interpret the map in such a way as to carry out the intent and purpose of this ordinance for the particular section or district in question.

115.10 Powers, Conditional Uses: The Planning and Zoning Commission shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this ordinance, applications, filed as hereinbefore provided, for conditional uses. In considering an application for a conditional use, the commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency herewith of the proposed use and development. Before authorizing a use as a conditional use, the Planning and Zoning Commission shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, and aesthetic and psychological effects. Upon authorizing a conditional use, the Planning and Zoning Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this ordinance for the particular conditional uses, as the Planning and Zoning Commission may deem necessary for the protection of adjacent properties and public interest. A conditional use shall not be granted by the Planning and Zoning Commission unless and until:

- A. A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested;
- B. The Planning and Zoning Commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use will not adversely affect the public interest;

- C. The Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

115.11 Powers, Variances: The Planning and Zoning Commission shall have the power to authorize such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest, but only in the case of peculiar conditions involving irregular, abnormally narrow, shallow, or steep lots or other unusual physical conditions, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved, but in no other case. No variance from the strict application of any provision of this ordinance shall be granted by the Planning and Zoning Commission unless they find, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That written application for a variance has been submitted;
- B. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures within the same district;
- C. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- D. That the special conditions and circumstances do not result from the actions of the applicant;
- E. That granting the variance requested will not confer on the applicant any special privilege which is denied by this ordinance to other lands, structures, or buildings in the same district; and,
- F. That granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

fine hereunder shall not exceed the sum of \$500.00.

- B. Any person, individual, partnership, association, or corporation accused of violating this ordinance shall have the right to demand a full hearing concerning said violation before the Planning and Zoning Board of the City of Aberdeen, Monroe County, Mississippi, should he, she or it be aggrieved by the fine or decision to fine as levied by the zoning administrator. Should the said Planning and Zoning Board affirm the decision of the zoning administrator, the accused violator shall have the right to appeal to the Mayor and Board of Aldermen of the City of Aberdeen, Mississippi. Thereafter, any further appeal shall be taken to the appropriate courts of the State of Mississippi according to law.
- C. The provisions of this Section, regarding the fine and appeal process, shall not preclude or supercede the rights of the Board of Aldermen of the City of Aberdeen, at the request of the Planning and Zoning Commission or the zoning administrator, to file suit for injunctive relief in the courts of the State of Mississippi, according to law, to require the accused violator to either remove the object or structure causing such violation, to perform in accordance with this zoning ordinance, to cease from further violations of this zoning ordinance. That this provision shall be construed to be cumulative and in addition to the rights of said City of Aberdeen and the Planning and Zoning Board to sue for injunctive relief or performance as contemplated hereunder.
- D. In the event that an accused violator on a first offense corrects the violation of this ordinance within ten days after receiving notice from

the zoning administrator of such violation, then in the discretion of the Planning and Zoning Board, no fine may be imposed or collected as set out herein. However, in this event, no additional building or construction shall be allowed until said violation is corrected.

- E. The zoning administrator shall have the full authority to stop building or construction on a site or premises found to be in violation of this zoning ordinance until said violation is corrected. The right of work stoppage is cumulative and in addition to the fine provisions as set out herein. Appeals from the decision of the zoning administrator stopping work on a construction site or premises found to be in violation of this ordinance, shall be taken contemporaneously, and in the same manner as appeals for fines levied by the zoning administrator. In the event that work stoppage is ordered by the zoning administrator for a violation of this ordinance, all utilities provided by the City of Aberdeen, i.e., electricity, water, sewage, etc., shall be immediately terminated by said City of Aberdeen until the violation is corrected, or until such time as the accused violator is found to be innocent of any violation of this zoning ordinance.

SECTION 116. AMENDMENTS

116.01 Declaration of Policy: For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the municipality, this ordinance, and as here used the term ordinance shall be deemed to include the official zoning map, shall not be amended except to correct a manifest error in the ordinance, or, because of changed or changing conditions in a particular area or in the municipality generally. Amendments shall be limited strictly to those necessary to the promotion of public health, safety, or general welfare. Subject to the above limitations, an amendment to this ordinance may be initiated by the Mayor and Board of Aldermen, the Planning and Zoning Commission, or by any person, firm, or corporation filing application therefor.

116.02 Procedure: All proposed amendments to this ordinance shall be subject to the following procedure:

- A. No amendment to this ordinance shall be adopted until the amendment has been examined by the Planning and Zoning Commission and the recommendations of the Planning and Zoning Commission received by the Mayor and Board of Aldermen;
- B. No amendment to this ordinance shall be adopted whereby the regulations and restrictions so established are not uniform for each district having the same zoning classification and bearing the same symbol or designation on the Official Zoning Map;
- C. No amendment to this ordinance shall be adopted which establishes a new zone, regardless of size, which permits uses not compatible with the uses of surrounding zones or which violates the purposes of this ordinance;
- D. No amendment to this ordinance shall become effective until after a public hearing in relation thereto has been held by the Mayor and Board of Aldermen. Notice of the time and place of such hearing shall be published at least once in a newspaper of general circulation in the city at least fifteen (15) days prior to such hearing. Said notice shall read generally as follows:

PUBLIC NOTICE

Pursuant to the order of the Mayor and Board of Aldermen of the City of Aberdeen, Mississippi, notice is hereby given to all persons interested in or in any way affected thereby that _____ (name of applicant) has filed an application with the undersigned to have rezoned the following described property from _____ (zone) to _____ (zone).

Map of Property
and surrounding
area

Said application will be heard by the Mayor and Board of Aldermen of the City of Aberdeen, Mississippi, at the City Hall at _____, p.m., _____, 197____, at which time all parties interested in or affected thereby will be heard, after which a decision will be rendered by the Mayor and Board of Aldermen. Any objection thereto may be made by any person and if made in writing must be filed with the undersigned before said time of hearing.

This the _____ day of _____, 197____.

(name)
Zoning Administrator

- E. Any area for which an application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing. Such posting shall be by means of a sign or signs erected in a conspicuous location on the property, using at least one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. The sign shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three feet above ground level, in letters legible

from the nearest street as follows:

PUBLIC NOTICE

This property is being considered for REZONING. For further information contact the Zoning Administrator, City Hall, Aberdeen, Mississippi (telephone number); and

- F. In the event of written protest against such amendment signed by twenty (20) percent or more of the owners of property either within the area to be rezoned, or within one hundred sixty (160) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

116.03 Applications: All applications for amendments to this ordinance shall be filed with the Zoning Administrator fifteen (15) days prior to the Planning and Zoning Commission meeting and shall contain the following information:

- A. The applicant's name, address and telephone number;
- B. A description of the proposed amendment and including if the amendment involves the Official Zoning Map; a map showing the land area to be included in the rezoning, the present zoning of the area, and the location of all streets, alleys, easements, and rights-of-way bounding and/or intersecting the area and abutting properties; and
- C. The error in the ordinance, if any, that would be corrected by the proposed amendment or the changing conditions in the area or in the municipality which would make the proposed amendment reasonably necessary for the promotion of the public health, safety, or general welfare.

116.04 Examination of Applications: Upon receipt of an application for an amendment, properly made as herein set forth, the Zoning Administrator shall

transmit copies of the application to the Planning and Zoning Commission for consideration. Upon receipt of the application, the Planning and Zoning Commission shall consider the proposed amendment and forward written notice of its findings and recommendations to the Mayor and Board of Aldermen. The Planning and Zoning Commission shall make such findings and recommendations within sixty (60) days after receipt of the application unless prevented from doing so by extenuating circumstances. Provided, however, that any party aggrieved with the recommendations of the Planning and Zoning Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen with due notice thereof after publication for the time and in foregoing paragraph 116.02 D above.

116.05 Application Fees: At the time of filing either an application for rezoning or an application for amendment to the text of the zoning ordinance, there shall be paid to the City Clerk the sum of Twenty-five dollars (\$25.00) to cover the cost of advertising, posting property, and other expenses incidental to the determination of such matters. Such filing fee is not refundable to the applicant.

116.06 Effective Date: If such amendments are made either to the text of this ordinance or to the Official Zoning Map, the text of this ordinance shall promptly reflect such amendment or the Official Zoning Map shall be promptly amended. Amendments to the Official Zoning Map shall contain an entry on the map stating the date of the amendment, the nature of the amendment, and the signature of the Mayor and the City Clerk. Such amendments shall not become effective until they have been entered in the text of the ordinance or upon the Official Zoning Map.

116.07 Official Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Zoning Administrator's office shall be the final authority to the current zoning of land within the city. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Mayor and Board of Aldermen may by ordinance adopt a new Official Zoning Map which shall supersede prior Official Zoning Maps.

SECTION 117. DEFINITIONS

117.01 Certain words and phrases used in this ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; person includes a corporation as well as an individual; lot includes plot; building includes structure; occupied includes designed or intended to be occupied; used includes arranged, designed, or intended to be used; shall is mandatory and not directory.

117.02 Wherever the term ordinance appears or shall appear, it shall be interpreted to mean and to refer to the Zoning Ordinance of the City of Aberdeen, Mississippi, inclusive of all amendments and supplemental sections which have been or may be added thereto.

117.03 Accessory Use of Structure: A use of a structure subordinate to the principal use of a building or use on the same lot and serving a purpose customary and incidental to the use of the principal building or use.

117.04 Alterations, Structural: Any change in the supporting members of a building such as walls, floors, columns, beams or girders.

117.05 Apartment: Two (2) or more rooms, designed for, arranged for, intended for, or occupied as a residence by one (1) family.

117.06 Apartment House: Any building housing three (3) or more apartment units providing said units are the principal use of the building.

117.07 Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more persons and where no cooking or dining facilities are provided in individual rooms.

117.08 Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

117.09 Building Permit: A permit issued by the Zoning Administrator for the construction or alteration of any building or structure.

117.10 Building, Height of: The vertical distance from the average contact

ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

117.11 Dwelling: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, tree house, or a room in a hotel or motel.

117.12 Dwelling, Single-Family: A building designed for or used for residence purposes by one (1) family or housekeeping unit.

117.13 Dwelling, Two-Family: A building designed for or used for two (2) families or housekeeping units.

117.14 Dwelling, Multi-Family: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

117.15 Dwelling, Rear: A building designed for or used as the residence or sleeping place of one (1) or more persons, located in the rear portion of a lot occupied by an existing structure.

117.16 Dwelling Unit: One (1) room or a suite of two (2) or more rooms designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

117.17 Family: One (1) or more persons living as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, or hotel.

117.18 Filling Station: Any building used for the supply of gasoline, oil, or other fuel for motor vehicle propulsion which may also include space and facilities for washing, polishing, greasing, and servicing motor vehicles.

117.19 Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

117.20 Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling, or storing vehicles, or similar equipment.

117.21 Home Occupation: An occupation conducted in a dwelling unit, provided that: no person other than members of the family residing on the premises shall

be engaged in such occupation; the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, nonilluminated, and mounted flat against the wall of the principal building; no home occupation shall be conducted in any accessory building; no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

117.22 Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.

117.23 Junk Yard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

117.24 Lot: A piece, parcel, or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance and having frontage on a public street.

117.25 Lot, Corner: A lot at the juncture of and fronting on two (2) or more intersecting streets.

117.26 Lot, Area: The computed area contained within the lot lines.

117.27 Lot Depth: The mean horizontal distance between the front and the rear lot lines.

117.28 Lot Lines: The property lines bounding the lot.

117.29 Lot Line, Front: The property line separating the lot from a street right-of-way.

117.30 Lot Line, Rear: The lot line opposite and most distant from the front lot line.

117.31 Lot-Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

117.32 Lot Width: The width of the lot measured at the building setback line.

117.33 Mobile Home: A single or two (2) family residence, not including camp or travel trailers designed for transportation after fabrication on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy after location on the site whether the location be by wheels, jacks, or permanent foundations, and connection to utilities and the like.

117.34 Motel or Tourist Court: A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

117.35 Nonconforming Use: A building, structure or premises legally existing or used at the time of adoption of this ordinance which does not conform with the use or area regulations prescribed by this ordinance for the district in which it is located.

117.36 Parking Space: The area required for parking one (1) automobile -- not less than eight (8) feet wide and eighteen (18) feet long -- either within a structure or in the open, exclusive of driveways or access drives.

117.37 Planning and Zoning Commission: The Aberdeen Planning and Zoning Commission as appointed by the governing body of the City of Aberdeen.

117.38 Setback Line: The closest point at which a building may be constructed in relation to the lot line.

117.39 Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

117.40 Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

117.41 Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

117.42 Tourist Court: See Motel or Tourist Court.

117.43 Yard: An open space at grade between the edges of a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

117.44 Yard, Front: An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

117.45 Yard, Rear: An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

117.46 Yard, Side: An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

117.47 Zoning Administrator: The person authorized to issue building permits and to enforce the Zoning Ordinance of the City of Aberdeen, Mississippi, as designated by the Mayor and Board of Aldermen.